

## BILLS VETOED.

Executive Vetoes Filed With the Secretary of State After Adjournment of the Regular Session of the Thirtieth Legislature.

(It is through the kindness and courtesy of Hon. L. T. Dashiell, Secretary of State, that official copies of these documents have been obtained, and they are published here for information, to make a permanent record of the same and to complete the history of the bills.)

## SENATE BILL NO. 65.

Executive Office, State of Texas,  
April 22, 1907.

To the Secretary of State:

Senate bill No. 65, entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making appropriations therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for failure or collusion, and authorizing the Attorney General to bring suit therefor, and providing penalties for violation of the provisions of this act,"

Is disapproved and with the following objections is transmitted for file in your office:

1. Section 1 of said bill provides for the appointment of a board to select and adopt a uniform system of text-books for use in the public free schools in manner and form as follows: The Superintendent of Public Instruction of this State and the President of the University of Texas, as soon as practicable after this act takes effect, shall, acting jointly on each recommendation, recommend to the Governor twenty teachers, twelve of whom shall be public free school teachers of the town and rural free schools of this State, who have actually taught in such schools at least five years, and are at the time nominated, actively engaged in teaching, four county superintendents and four city superintendents, who are teachers, and send the names of the twenty teachers

when so nominated to the Governor of this State. That when said twenty teachers have been nominated, and their names sent to the Governor, he shall, as soon as practicable, select therefrom five teachers, one of whom shall be a county superintendent and one a city superintendent and three public free school teachers, and said five teachers when so selected, together with the State Superintendent of Public Instruction and the Governor of this State, shall constitute the State Text-Book Board.

The proposition to visit upon the office of Governor the great responsibilities and duties involved in this act, and at the same time limit that officer in the selection of this important board to a list of twenty men from which to select such board is a limitation upon the authority and discretion of such officer which might prove embarrassing in an effort to faithfully perform the important duties involved. The State officer upon whom is imposed the serious responsibility of selecting this Text-Book Board should, in the performance of his duties be given, not twenty men from whom to select a board, but the entire field of reliable and capable Texas men from which to make appointments to this responsible position.

It is further provided by Section 1, that this Board shall be named and appointed as soon as practicable after this act takes effect. Just why this immediate action is necessary is not understood, especially in view of that fact that notice for sealed bids on the text-books to be selected is required to be given at a time not later than April 1, 1908, and the books to be adopted are not to come into use until September, 1908. The Board would have nothing to do this year, and should the Board be appointed at this time the usefulness of the members to themselves and to their country might, in the meantime, be seriously impaired, as, in all probability, much of their time would be employed between now and April 1, 1908, in listening to eloquent descriptions of meritorious school books and to the importunities of agents and representatives of enterprising book concerns. Not many men would, under such circumstances, wish such an appointment.

It has further occurred to me, that it would be entirely appropriate to give the patrons of the public free schools of this State representation on the Board constituted for the purpose of adopting a series of text-books in our public free schools.

2. Section 1 further provides that nothing herein shall be construed to prevent the use of supplementary books, that such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act, "but full use must be made in our State of the books adopted under this act." This provision is objectionable, and the objection lies in the fact that as it is drafted it could be used, as it has been used in other States, to undermine and eventually destroy the value of State adoption of a uniform series of text-books. Additional limitations should be provided.

The Legislature might very properly provide by law for the use of supplementary books, conditioned upon the submission of the same to the board of trustees of the respective schools wishing to use the same, and an agreement by such trustees upon the price to be paid therefor by the patrons of the schools, and that such trustees should not contract to pay a higher price for them than is paid for other like or similar books adopted, taking into consideration the printing, binding and literary merit of such supplementary books, with a provision that all such contracts and agreements entered into between them and the book concerns for such supplementary books shall not be binding and that the said books shall not be used in the schools seeking to adopt and use same until after such contract, together with a sample of the book proposed, has been submitted to and approved by the State Board of Education or some other duly constituted authority. In the light of all experience this, or some similar provision is essential and absolutely necessary for the protection of the people against the wiles of the enterprising book concerns.

I further object to that portion of Section 5 of said bill which reads as follows:

"That no book or books shall be purchased from any person or firm or corporation who is a member of or connected with any trust, if such books of equal merit and adaptability can be purchased from any other source at the same price."

Our anti-trust laws under severe pains and penalties prohibit all trusts from doing business in Texas. This provision which would license the book trust to do business in the face of all our anti-trust laws and prohibitory laws, was doubtless overlooked by the Legislature.

A resolution adopted as a part of the platform of the Democratic party of Texas denounced all trusts, as follows:

They are "the most insidious agencies used to oppress the people and destroy the freedom of the citizens; and we denounce all such unlawful combinations and pledge the full power of the Democratic party to utterly destroy them in this State, and we heartily endorse at all times a vigorous enforcement of the laws upon this subject."

To this doctrine I subscribe unqualifiedly and can not give my consent to any law that would authorize a State officer or any board created by law to deal with and contract with trusts in violation of the laws of this State. The Constitution makes it my duty to "cause the laws to be faithfully executed"—not to license the law breaker. When a trust offers to do business in this State in violation of our laws, all the power that is lodged in the office of Governor should be and will be appropriately exercised in an effort to "utterly destroy it" and drive it from Texas. Legislation on this subject should not legalize trusts, but should contain such provisions as would make it impossible for a trust to even submit a bid to furnish school books for use in the public free schools of Texas and as would require of all bidders a full and complete showing as to their connections with any trust, monopoly or agreement in restraint of trade within this State or out of it.

T. M. CAMPBELL,  
Governor.

(Seal)

By the Governor:

L. T. DASHIELL,  
Secretary of State.